

### **REMARKS**

Applicant has reviewed and considered the Office Action dated June 16, 2005 and the references cited therein. In response thereto, claims 1-3 are canceled without prejudice or disclaimer, and new claims 4-6 are added. As a result, claims 4-6 are pending in the present application.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Song (20010008523). Applicant respectfully traverses the rejection for at least the following reasons.

Claims 1-3 are canceled without prejudice or disclaimer and replaced by new claims 4-6 with a proper claim format. Applicant respectfully submits that no new matter or issues are introduced in new claims 4-6.

Claim 4 recites a method for identifying a primary cell under Site Selective Diversity Transmit comprising the steps of: assigning a temporary identifier by a network system to each cell; transmitting an identifier indicating the primary cell periodically by a mobile station to connected cells via up link feedback indication fields; and receiving, by the base station, the identifier indicating the primary cell transmitted by the mobile station, if signals received by the base station satisfy with one of following conditions, then the base station considers itself as the primary cell, and wherein the conditions are: A) an identifier code word indicating the primary cell received by the base station is matched with the identifier code word of itself; B) quality of up link signals received by the base station does not satisfy with a quality threshold, wherein the quality threshold is a parameter defined by the network system; C) bits of dropping of the identifier code word caused by using an up link compression mode excess a value, wherein the value is a maximum integer not larger than 1/3 length of the identifier code word; and wherein in the condition B), the identifier code word indicating the primary cell received by the base station has a certain matching degree with an ID code word of the cell itself.

Song discloses a method for generating and transmitting optimal cell ID codes. However, Song does not disclose or teach that the base station considers itself as a primary cell if

the identification conditions are satisfied, and the identification conditions are: A) an identifier code word indicating the primary cell received by the base station is matched with the identifier code word of itself; B) quality of up link signals received by the base station does not satisfy with a quality threshold, wherein the quality threshold is a parameter defined by the network system; C) bits of dropping of the identifier code word caused by using an up link compression mode excess a value, wherein the value is a maximum integer not larger than 1/3 length of the identifier code word. To the contrary, in Song, the base station considers itself as a non-primary cell if the identification conditions are satisfied, and the identification conditions are described on page 3, paragraphs [0022], [0023], and [0024]:

1. The received primary ID code does not match with its own ID code;
  2. the received uplink signal quality satisfies a quality threshold defined by UTRAN;
- and
3. the number of symbols punctured in the uplink compressed mode is smaller than  $[N_{ID}/3]$ .

Accordingly, Applicant respectfully submits that the claimed invention and Song use different identification methods. In the claimed invention, the base station is non-primary, and the base station is considered as primary only when it satisfies the conditions. On the other hand, Song assumes that the base station is primary and regards it as non-primary if it satisfies the conditions. As a result, some low quality bases will be regarded as primary bases due to incorrect identification caused by low quality signals if using the method taught in Song. The claimed invention solves this problem because all the base stations are non-primary and are considered as primary only when they satisfy the conditions, that is, only those high quality base stations can be regarded as primary base stations.

Thus, Applicant respectfully submits that claim 4 patentably distinguishes over Song. Claims 5-6 which are dependent from claim 4 are patentable for at least the same reasons above.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

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